IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 6TH SEPTEMBER 2007 / 15TH BHADRA 1929

WP(C).No. 11520 of 2006(U)

PETITIONER:

MINI ANNIE JACOB, D/O.LATE JACOB V.I.,
AGED 38 YEARS, G-16, PANAMPILLY NAGAR, KOCHI-36.

BY ADV. SRI.A.V.THOMAS

RESPONDENTS:

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1. THE DISTRICT COLLECTOR,
CIVIL STATION, KAKKANAD, ERNAKULAM.

2. ST. MARY'S ORTHODOX CHURCH,
PARK AVENUE, ERNAKULAM, REPRESENTED BY ITS
PRESENT VICAR, REV.FR.ABRAHAM EDAMPADAM.

3. THE TRUSTEE,
ST.MARY'S ORTHODOX CHURCH, PARK AVENUE, ERNAKULAM.

4. THE SECRETARY,
ST.MARY'S ORTHODOX CHURCH, PARK AVENUE, ERNAKULAM.

R1 BY ADV. SRI.K.J. MOHAMMED ANZAR, GOVT. PLEADER.
R2 TO R4 BY ADV. SRI.K.K.JOHN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC : 11520 OF 2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE JUDGMENT DATED 13.07.05 IN OS NO.1637/96 OF HON'BLE MUNSIFF'S COURT, ERNAKULAM.

/TRUE COPY/

PA TO JUDGE

PIUS C. KURIAKOSE, J.

W.P.(C) No. 11520 OF 2006

Dated this the 6th day of September, 2007

JUDGMENT

Counsel for the petitioner submits that on the basis of the detailed interim order passed in this case, the body of the petitioner's father was buried in a cellar and on that view of the matter , the Writ Petition has become infructuous. Mr.K.K.John, learned counsel appearing for respondents 2 to 4 submits that the above interim order was passed without notice to respondents 2 to 4. It is not fair on the petitioner's part to obtain such an order behind the back of the respondents, and now to say that the Writ Petition can be closed as infructuous.

I do find merit in the submission of Mr.K.K.John. However, the fact remains that the main relief sought in the Writ Petition, rightly or wrongly stands granted. I dismiss the Writ Petition making it clear that the grant of the interim order by this Court will not be treated as a reflection on the merits of the grounds raised in the Writ Petition. The grant of the interim order in respect of the petitioner's father's dead body will not be cited by anybody else as a precedent.

PIUS C. KURIAKOSE, JUDGE

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